



## DEPARTMENT OF EDUCATION

[Docket No.: ED-2020-SCC-0043]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Borrower Defense to Loan Repayment Universal Form**

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection

**DATES:** Interested persons are invited to submit comments on or before [insert the 30th day after publication of this notice].

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting “Department of Education” under “Currently Under Review,” then check “Only Show ICR for Public Comment” checkbox.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, 202-377-4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper

functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Borrower Defense to Loan Repayment Universal Form

*OMB Control Number:* 1845-NEW

*Type of Review:* A new information collection

*Respondents / Affected Public:* Individuals or Households.

*Total Estimated Number of Annual Responses:* 96,000

*Total Estimated Number of Annual Burden Hours:* 48,000

*Abstract:* The Department of Education (the Department) amends the William D. Ford Federal Direct Loan (Direct Loan) Program regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement changes made to the regulations in §685.206(e) - Borrower responsibilities and defenses. These final regulations are a result of negotiated rulemaking and will add a new requirement to the current regulations. These final regulations require the collection of this information from borrowers who believe they qualify for a borrower defense to repayment discharge, as permitted under Section 455(h) of the Higher Education Act of 1965, as amended. The regulations provide, among other things, for the Secretary to discharge a borrower's Direct Loan based on the loan in question being disbursed after July 1, 2020. The Department is attaching a list of elements that we are proposing be included on a revised Application for Borrower Defense to Loan Repayment form (Universal Borrower Defense Application). This revised form will be based on the current Universal Borrower Defense Application, OMB control number 1845-0146, and will facilitate processing claims from all borrowers who believe that they have a valid borrower defense claim.

Dated: August 25, 2020.

**Kate Mullan,**  
*PRA Coordinator,  
Strategic Collections and Clearance  
Governance and Strategy Division  
Office of Chief Data Officer  
Office of Planning, Evaluation and Policy Development.*

